



Southeast Fishery Bulletin

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NOTICE OF SECOND RED SNAPPER INDIVIDUAL FISHING QUOTA (IFQ) PROGRAM REFERENDUM SCHEDULE

NOAA Fisheries Service (NOAA Fisheries) issues this notice to announce information about the schedule for participating in a second referendum to determine whether an IFQ program for the Gulf of Mexico commercial red snapper fishery should be submitted to the Secretary of Commerce (Secretary) for review. This notice was published in the *Federal Register* on January 6, 2006.

Referendum Process

Establishment of a red snapper IFQ program is a two-tiered process requiring separate referendums be conducted by NOAA Fisheries. In the first referendum, fishermen qualified to vote were asked to decide whether an IFQ program should be prepared. In the second referendum, fishermen qualified to vote will be asked to decide whether the alternatives proposed in the IFQ plan amendment are acceptable and may be submitted to the Secretary for review. It should be noted, however, that even if both referendums pass, the Secretary is not mandated to enact an IFQ program.

At the request of the Gulf of Mexico Fishery Management Council (Council), NOAA Fisheries conducted the first referendum in early 2004, and presented the results to the Council at its March 2004 meeting. The voters approved preparation of an IFQ plan amendment in that referendum, and the Council began preparation of the amendment.

The referendum procedures, criteria, and vote weighting formula were established in the final rule and published February 12, 2004 (69 FR 6921), and are repeated here pursuant to section 407(c)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Who Will Be Eligible to Vote in the Second Referendum?

Section 407(c)(2) of the Magnuson-Stevens Act establishes criteria regarding eligibility of persons to vote in the referendums. After careful consideration of those criteria, the practicality and fairness of several interpretations, and public comments, NOAA Fisheries has determined the following persons will be eligible to vote in the referendum.

For the second referendum:

(A) A person who, according to NOAA Fisheries' permits records, has continuously held a Gulf of Mexico red snapper endorsement/Class 1 license from September 1, 1996, through January 6, 2006, or

(B) in the case of a Class 1 license that has been transferred through sale since September 1, 1996, the person that, according to NOAA Fisheries' permits records, holds such Class 1 license as of January 6, 2006; or

(C) in the case of a Class 1 license that has been transferred through lease since September 1, 1996, both the final lessor and final lessee as of January 6, 2006, as determined by NOAA Fisheries' permit records; or

(D) a vessel captain who harvested red snapper under a red snapper endorsement in each red snapper commercial fishing season between January 1, 1993, and September 1, 1996.

How Will Votes Be Weighted?

Section 407(c)(2) of the Magnuson-Stevens Act requires NOAA Fisheries develop a formula to weight votes based on the proportional harvest under each eligible endorsement and by each

eligible captain between the period January 1, 1993, and September 1, 1996. NOAA Fisheries has obtained applicable red snapper landings from the Southeast Fisheries Science Center reef fish logbook database. Information from the NOAA Fisheries Southeast Regional Office permit database has been used to assign total applicable landings to each eligible voter (red snapper endorsement/Class 1 license holder, lessee/lessor, or vessel captain). In cases where only one eligible voter has eligibility tied to a particular license, all applicable landings associated with that license accrue to that voter, and the voter will be assigned a vote-weighting factor of one vote per pound. In cases where more than one eligible voter has eligibility tied to a particular license, e.g., lessee and lessor, or a qualifying vessel captain and a license holder, all eligible voters associated with that license will have their vote weighted equally such that their combined vote will equal one vote per pound of landings applicable to that license. For example, if a qualifying captain is eligible based on his/her landings under a specific license during the relevant time period, and that license is now held by a license holder who is not involved with lease arrangements with that license, but who is not the same qualifying captain, then each would get one-half vote per pound of landings associated with the license. In this example, should the current license holder lease the same license, then each participant would have their vote weighted as one-third of a vote per pound, so that their combined vote would equal the total number of pounds associated with that license.

The weighting procedure is complicated somewhat by requirements to protect confidentiality of landings data, when the applicable landings history involves landings by different entities. To address confidentiality concerns, NOAA Fisheries has established a series of categories (ranges) of red snapper landings based on 5,000-pound intervals (e.g., 0-5,000 pounds, 5,001-10,000 pounds, etc.) concluding with the interval that includes the highest documented landings. The total landings between the period January 1, 1993, and September

1, 1996, associated with each license, has been attributed to the appropriate category. The overall landings assigned to each category was determined. The average number of pounds is the base applied to the vote-weighting factor for each eligible voter whose landings fall within that category. For example, if overall average number of pounds attributed to the 5,001-10,000-pound category is 8,150 pounds, each eligible voter within that category would receive votes equal to 8,150 multiplied by the applicable vote weighting factor, e.g., $8,150 \times 1.0 = 8,150$ votes if only one voter was associated with that license; $8,150 \times 0.5 = 4,075$ votes for a lessee and lessor associated with the same license; $8,150 \times 0.33 = 2,690$ votes for each qualifying vessel captain, lessee, and lessor associated with the same license.

How Will the Vote Be Conducted?

On or about January 17, 2006, NOAA Fisheries will mail each eligible voter the draft plan amendment and a ballot that specifies the number of votes (weighted) the voter is assigned. NOAA Fisheries will mail the ballots and associated explanatory information, via certified mail return receipt requested, to the address of record indicated in NOAA Fisheries' permit database for red snapper endorsement/Class 1 license holders, and for vessel captains, to the address provided by the captains during the prior information solicitation that ended August 18, 2003. All votes assigned to the eligible voters must be cast for the same decision, i.e., either all to approve or all to disapprove the applicable referendum question. The ballot must be signed by the eligible voter. NOAA Fisheries will provide a stamped self-addressed envelope for return of the ballots to the agency.

Ballots must be mailed to Phil Steele, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, Florida 33701. Ballots for the second referendum must be received at that address by 4:30 p.m., eastern time, February 21, 2006; ballots received after that dateline will not be considered in determining the outcome of the second referendum.

How Will the Outcome of the Second Referendum be Determined?

Vote counting will be conducted by NOAA Fisheries. Approval or disapproval will be determined by a majority of the votes cast (i.e., a number greater than one-half of the total votes cast). NOAA Fisheries will prepare a Fishery Bulletin announcing the results of the referendum and will distribute the bulletin to all Gulf reef fish permittees, including dealers, and to other interested parties. The results will also be posted on NOAA Fisheries Southeast Regional Office's Web site at <http://sero.nmfs.noaa.gov>.

What Will Happen after the Second Referendum?

NOAA Fisheries would present the results of the second referendum at the March 20-23, 2006, Council meeting in Mobile, Alabama. If the second referendum fails, the Council cannot proceed with development of an IFQ program for the commercial red snapper fishery in the Gulf of Mexico. If the second referendum is approved, the Council would be authorized, if it so decides, to submit the finalized plan amendment and regulations to the Secretary for review (approval/disapproval). The proposed IFQ program was developed through the usual Council process that involved extensive

opportunities for industry and public review and input at various Council meetings and public hearings.

NOAA Fisheries is dedicated to protecting and preserving our nation's living marine resources and their habitats through scientific research, management and enforcement. NOAA Fisheries Service provides effective stewardship of these resources for the benefit of the nation, supporting coastal communities that depend upon them, and helping to provide safe and healthy seafood to consumers and recreational opportunities for the American public.

NOAA Fisheries is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and providing environmental stewardship of our nation's coastal and marine resources. Through the emerging Global Earth Observation System of Systems (GEOSS), NOAA is working with its federal partners and nearly 60 countries to develop a global monitoring network that is as integrated as the planet it observes. This and other news releases are available on the SERO homepage at <http://sero.nmfs.noaa.gov>.

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